

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Jeffrey L. Bailey and  
Marlon E. Carter,

Case No. 20-cv-1238 (DWF/TNL)

Plaintiffs,

**CASE MANAGEMENT  
ORDER**

v.

First Transit Inc. *et al.*,

Defendants.

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This matter comes before the Court on a number of motions: Defendants Troy Gustafson and Teamsters Local 120's "Motion to Dismiss Plaintiff's [sic] Second Amended Complaint" (ECF No. 15); Defendants First Transit Inc., First Group America Inc., First Student Inc., The Metropolitan Council, Don Johnson, and Tim Ogren's "Motion to Dismiss" (ECF No. 26); Plaintiffs Jeffrey L. Bailey and Marlon E. Carter's "Motion to Deny Defendants Teamsters Local 120 & Troy D. Gustafson [sic] Motion to Dismiss" (ECF No. 33); and Plaintiffs Jeffrey L. Bailey and Marlon E. Carter's "Motion to Deny 'Defendants' First Transit Inc., Don Johnson, First Group America Inc., Metropolitan Council, Tim Ogren, First Student Inc. [sic] Motion to Dismiss" (ECF No. 38). These motions have been referred to the undersigned for a report and recommendation pursuant to 28 U.S.C. § 636. (ECF No. 4.)

Briefing on Defendants' motions (ECF Nos. 15 and 26), shall occur as follows:

**1. Plaintiffs' responses are due on or before November 17, 2020.**

**2. Defendants' replies are due on or before December 1, 2020.**

Briefing on Plaintiffs' motions (ECF Nos. 33 and 38), shall occur as follows:

**1. Defendants' responses are due on or before November 17, 2020.**

**2. Plaintiffs' replies are due on or before December 1, 2020.**

Thereafter, these four motions will be deemed submitted and the Court will issue its report and recommendation based on the papers, without a hearing.

Failure to comply with any provision of this Order or any other prior consistent Order shall subject the non-complying party, non-complying counsel and/or the party such counsel represents to any and all appropriate remedies, sanctions and the like, including without limitation: assessment of costs, fines and attorneys' fees and disbursements; waiver of rights to object; exclusion or limitation of witnesses, testimony, exhibits and other evidence; striking of pleadings; complete or partial dismissal with prejudice; entry of whole or partial default judgment; and/or any other relief that this Court may from time to time deem appropriate.

**IT IS SO ORDERED.**

Date: October 26, 2020

s/Tony N. Leung  
Tony N. Leung  
United States Magistrate Judge  
District of Minnesota

*Bailey et al. v. First Transit Inc. et al.*  
Case No. 20-cv-1238 (DWF/TNL)